

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

WILLIAM IRA HOWSE, III,

Plaintiff,

v.

WARDEN BROOKS BRENTEN, *et al.*.

Defendants.

CIVIL ACTION NO.: 4:20-cv-56

WILLIAM IRA HOWSE, III,

Plaintiff,

v.

WARDEN BROOKS BRENTEN, *et al.*.

Defendants.

CIVIL ACTION NO.: 4:20-cv-57

ORDER

Prisoner William Ira Howse, III, filed these two cases concerning the quality of the medical care he received while he was incarcerated at Coastal State Prison. (See generally, 4:20-cv-56, doc. 1 (S.D. Ga. Mar. 25, 2020); 4:20-cv-57, doc. 1 (S.D. Ga. Mar. 25, 2020).) After several attempts to determine whether Howse opposed consolidation of these cases, (see, e.g., 4:20-cv-56, doc. 6 (S.D. Ga. Aug. 27, 2021); 4:20-cv-56, doc. 10 (S.D. Ga. Nov. 12, 2021)), the Magistrate Judge recommended that these cases be consolidated by dismissing Case Number 4:20-cv-57. (See 4:20-cv-56, doc. 17 (S.D. Ga. Oct. 27, 2022).) Howse has responded, albeit untimely, and agrees that he “think[s] that consolidat[ion of his] two cases . . . CV420-056 and CV420-057 is OK” (4:20-cv-056, doc. 18, p. 2 (S.D. Ga. Nov. 21, 2022).) Accordingly, the Magistrate

Judge's Report and Recommendations is **ADOPTED**. (4:20-cv-56, doc. 17 (S.D. Ga. Oct. 27, 2022); 4:20-cv-57, doc. 16 (S.D. Ga. Oct. 27, 2022)). Case Number 4:20-cv-57 is, therefore, **CONSOLIDATED** with Case Number 4:20-cv-56.¹ See Fed. R. Civ. P. 42(a)(2). The Clerk is **DIRECTED** to file the Complaint in Case Number 4:20-cv-57 into Case Number 4:20-cv-56, nunc pro tunc to the date of its original filing.² The Clerk is **DIRECTED** to **CLOSE** Case Number 4:20-cv-57.

The Magistrate Judge previously directed Howse to file a single Amended Complaint in Case Number 4:22-cv-56, "which will supersede all previously-filed complaints in both cases[, and] . . . should include all claims against all parties," by November 18, 2022. (4:20-cv-56, doc. 17, p. 3 (S.D. Ga. Nov. 27, 2022).) Although that deadline was not contingent upon the Court's adoption of the Report and Recommendation, the Court acknowledges that Howse may have been confused. Since he has not complied with that instruction, but has expressed his desire to pursue his claims, the Court will extend his deadline to file the Amended Complaint. Howse is **DIRECTED** to file an Amended Complaint in Case Number 4:20-cv-56 by no later than January 6, 2022. He is advised that his Amended Complaint will supersede (i.e. replace) both of his original Complaints. See, e.g., Varnes v. Local 91, Glass Bottle Blowers Ass'n of U.S. & Canada, 674 F.2d 1365, 1370 n. 6 (11th Cir. 1982). It must, therefore, be complete in itself, and

¹ Howse's Objection suggests that he may misunderstand the effect of consolidation. He states, in unedited form, "Consolidated my two cases CV420-057 and CV420-056 is fair and I think that my case should stay pending with case CV420-056 also." (4:20-cv-56, doc. 18, p. 2 (S.D. Ga. Nov. 21, 2022).) To be clear, as discussed below, Howse will have an opportunity to file a single Amended Complaint in 4:20-cv-57 to assert any claim arising out of the factual circumstances underlying both cases. (See 4:20-cv-56, doc. 17, p. 3 (S.D. Ga. Oct. 27, 2022).)

² When the Magistrate Judge granted Howse leave to pursue these cases *in forma pauperis*, he directed Howse to return certain forms. (See, e.g., 4:20-cv-56, doc. 4 (S.D. Ga. Mar. 27, 2020).) One form was docketed in 4:20-cv-56 and the other in 4:20-cv-57. (See 4:20-cv-56, doc. 5 (S.D. Ga. Apr. 8, 2020); 4:20-cv-57, doc. 5 (S.D. Ga. Apr. 8, 2020).) The Clerk is **DIRECTED** to re-docket the form from 4:20-cv-57 into 4:20-cv-56, nunc pro tunc to the date that it was docketed in 4:20-cv-57.

must assert all claims he wishes to pursue. The prior pleadings will serve no further function in this case. Howse is further advised that failure to timely comply with this Order may result in dismissal of his case. See Fed. R. Civ. P. 41(b).

SO ORDERED, this 5th day of December, 2022.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA